

their memorials, they had given the notice provided for by the Code of Public General Laws, in cases of contested elections to be determined by this House, and had on December 23rd, 1875, commenced taking testimony in their districts. This House having, with great unanimity, refused the application of the memorialists for this Committee to sit in Baltimore and re-examine the witnesses already examined under the provisions of the Code, or to examine other witnesses whose testimony could as well be taken under said provisions; the examination of proofs continued as it had been commenced, and the evidence taken on the part of the memorialists, and of the sitting members, has been laid before the Committee. The questions of law and fact have been argued by the counsel of the memorialists and of the sitting members respectively, either orally, or by printed arguments. The views presented, and all of the proofs submitted, have been carefully considered, and we now submit our conclusions therefrom.

*We would be fully justified by legal decisions in recommending the House to refuse the prayer of the memorials, on the single ground, that the memorialists having laid no claim to the seats occupied by the returned members, are not entitled to be heard. Neither in the notices of contest served by them on the sitting members, nor in the memorials, is it claimed that the memorialists were the true choice of the legal voters of their respective districts. It is nowhere asserted, that by a rejection from the count of the ballots alleged to have been fraudulently received, and a count of votes alleged to have been excluded by intimidation or otherwise, the result in any or all of the Legislative Districts would have been changed. Some of the memorialists are lawyers, and all were represented by counsel who could not have been ignorant of this fatal defect in their case, as presented under the decisions cited in Cushing's Legislative Assemblies, Sec. 1057. Manifestly, this rule is founded on good and sufficient reasons. The mere existence of fraudulent voting, or of acts of violence at an election, does not require an investigation. In times of high party excitement, riot and fraud in greater or less degree occur in popular elections. It is only where they are of such character and extent, and so universal, that the will of the voters is frustrated, and representations are forced on the actual majority by the wrong doing of a minority, that an investigation is proper. Under the well established rules of law governing such contests, the contestants are properly required to present a substantial case for decision. They must allege and must prove, not only that the election of the returned members was accompanied by wrong, whether fraud*